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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,925	11/14/2003	Michael Bares	B03-0246	6942

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EXAMINER

PETRAVICK, MEREDITH C

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,925

Applicant(s)

BARES, MICHAEL

Examiner

Meredith C Petravick

Art Unit

3671

-- **Th MAILING DATE of this communication appears on th cover sh et with the correspondence address --**

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 13-17 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 12, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities:

The second period at the end of the claim should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 11, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bird 5,167,108.

Bird discloses a trimmer assembly mounted to a lawn mower deck having a front edge.

The trimmer assembly includes:

- a trimmer head (15)
- a mounting frame (17)
- means for pivotally connecting the mounting frame to the front edge
(connection between 17 and 19, 20, 71, and 22)
- a means carried by the mounting frame for transmitting rotational force
(assembly including belt 32 and pulleys 34, 36)

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In regards to claim 2, the assembly includes a housing (60).

In regards to claims 3 and 17, the means for pivotally connecting includes a hinge unit (connection between 17 and 19), a swivel (17 and 22), and a handle (20).

In regards to claim 6, the means for transmitting rotational force includes a belt (32), a first pulley (34) and second pulley (36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-8, 10-11, 13-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird in view of Roberts 4,802,327.

Bird discloses the trimmer assembly as described above. However, Bird fails to disclose providing a second shield on the second pulley on the trimmer and making the means for transmitting rotation force hydraulic instead of mechanical.

Like Bird, Roberts discloses a trimmer assembly extending out from a main body. Unlike Bird, Robert teaches providing a shield (22) over the motor on the trimmer assembly. Robert teaches that this protects the motor (Column 3, lines 32). Also, Robert uses a hydraulic motor (12) as a force transmitting means instead a mechanical system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the force transmitting means of Bird a hydraulic motor instead of a

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mechanical system and to provide a shield over the motor as in Roberts, as an alternative power means and to protect the motor.

6. Claims 1-6, 9, 11, 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bird in view of Reents 5,966,914.

Bird discloses the trimmer assembly as described above. However, Bird uses a mechanical force transmitting means instead of an electric force transmitting means.

Like Bird, Reents also discloses a trimmer attached to a mover. Unlike Bird, Reents teaches that an electric motor (34) could be used alternately with a mechanical force transmitting means (Fig. 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the mechanical force transmitting means of Bird with the electric motor as taught in Reents as being a common equivalent alternative.

Allowable Subject Matter

7. Claims 4-5, 12 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith Petravick whose telephone number is 703-305-0047.

The examiner can normally be reached on Monday-Thursday from 7:00 a.m. - 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-308-1113. The fax number for this Group is 703-872-9306.



Meredith Petravick
Patent Examiner
Group Art Unit 3671

April 23, 2004